

**JOINT RULES RESOLUTION - CONFLICT
OF INTEREST AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: David Ure

LONG TITLE

General Description:

This resolution modifies provisions governing disclosure of conflicts of interest.

Highlighted Provisions:

This resolution:

- ▶ requires legislators to orally declare a conflict of interest to the committee or body before any vote on legislation or any legislative matter in which a legislator reasonably believes he may have a conflict of interest.

Special Clauses:

This resolution provides an immediate effective date.

Legislative Rules Affected:

AMENDS:

JR-16.05

Be it resolved by the Legislature of the state of Utah:

Section 1. **JR-16.05** is amended to read:

JR-16.05. Declaring and Recording Conflict of Interest.

(1) Before any vote on legislation or any legislative matter in which a legislator reasonably believes he may have a conflict of interest, that legislator [~~should~~] shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is. This declaration of conflict of interest shall



be noted in the minutes of any committee meeting or in the Senate Journal or House Journal.

(2) (a) A legislator shall file a Declaration of Conflict of Interest form with the Secretary of the Senate if the legislator is a Senator or with the Chief Clerk of the House of Representatives if the legislator is a Representative to satisfy that legislator's disclosure of any conflicts of interest as required by Subsection (1) and Utah Code Annotated Section 76-8-109.

(b) This Declaration of Conflict of Interest form shall include the general legislative areas in which the legislator may have a conflict of interest.

(c) This Declaration of Conflict of Interest form is available to the public.

(3) This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.

(4) As used in this section:

(a) "Business in which the legislator is associated" means any business in which a legislator is a director, officer, owner, member, partner, employee, or is a holder of stocks or bonds in the company that have a fair market value of \$10,000 or more.

(b) "Conflict of interest" means legislation or action by a legislator that the legislator reasonably believes may cause direct financial benefit or detriment to him, a member of the legislator's immediate household, or a business in which the legislator is associated, and that benefit or detriment is distinguishable from the effects of that action on the public or on the legislator's profession, occupation, or association generally.

Section 2. **Effective date.**

This resolution takes effect upon approval by a constitutional majority vote of all members of the Senate and House of Representatives.

Legislative Review Note

as of 1-4-05 11:55 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HJR004

Joint Rules Resolution-Conflict of Interest Amendments*15-Jan-05**5:25 PM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst